

DECISION MEMORANDUM

TO: COMMISSIONER KEMPTON
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: NEIL PRICE
DEPUTY ATTORNEY GENERAL

DATE: APRIL 22, 2010

**SUBJECT: STAFF'S MOTION TO COMPEL DISCOVERY AND AN EXTENSION
OF THE ESTABLISHED COMMENT PERIOD, CASE NO. MUR-W-10-01**

On January 13, 2010, Murray Water Works Systems ("Murray" or "Company") filed an Application requesting authority from the Commission to increase its rates and charges for water service. The Application did not include an effective date for the proposed increase in rates and charges.

On February 25, 2010, the Commission issued a Notice of Application and Notice of Modified Procedure establishing a 60-day comment period. On April 13, 2010, Staff conducted a public workshop in Murray, Idaho to discuss the Company's filing. On March 5, 2010, Staff submitted a total of 31 production requests to Murray. The deadline for responses to the production requests was March 26, 2010.

STAFF'S MOTION TO COMPEL RESPONSES TO PRODUCTION REQUESTS AND EXTENSION OF COMMENT PERIOD DEADLINE

On April 22, 2010, Staff submitted a Motion requesting a Commission Order compelling Murray to submit full and complete responses to Staff's production requests. Staff states that it has been in contact with Murray's sole proprietor, Mr. Arlen Lish, and has provided considerable assistance regarding the organization and preparation of documents and materials necessary in order to respond effectively to Staff's production requests. Staff believes that, with further assistance, Mr. Lish will be able to submit appropriate responses to the production requests.

Staff also requests an extension the current comment period set to expire on April 26, 2010. Staff believes that Murray's delinquent responses to Staff's production requests necessitate an extension of the current comment period in order to allow Staff adequate time to review the Company's responses and prepare its written comments regarding Murray's Application. Staff requests that the deadline for issuing comments regarding Murray's Application be extended from April 26, 2010 to June 15, 2010.

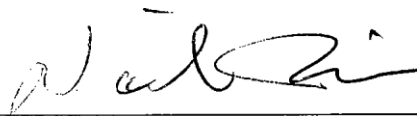
Staff states that it provided actual notice to Murray of the substance of its Motion, both by telephone and the mailing of a certified copy of its Motion to Murray's current business address. Staff asserts that the factual circumstances, along with the actual notice provided to Murray's representative, warrant immediate review and enable the Commission to consider its Motion on fewer than 14 days' notice and offer the procedural relief requested.

COMMISSION DECISION

Does the Commission agree, pursuant to Commission Rule of Procedure 256, to review Staff's Motion on fewer than 14 days' notice and without waiting for a response from Murray?

Does the Commission wish to issue an Order compelling Murray to submit responses to Staff's production requests?

Does the Commission wish to issue a Revised Notice extending the current comment period deadline from April 26, 2010 to June 15, 2010?



Neil Price
Deputy Attorney General

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